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THE LAW SCHOOL. — Statistics of this year's registration at the Law School are at present necessarily far from complete. The figures available seem to indicate a very considerable falling off from the attendance of a year ago. It is probable that the total loss will approximate fifty. The new rules regulating admission to the School (printed *in extenso* in the May number of the REVIEW) appear to have operated in the direction intended. The Faculty in their recent legislation doubtless had a double end in view; viz., to provide that all members of the Law School, and in consequence all its graduates, should be equipped with a certain minimum of general education, and to retard the threatened pressure of numbers upon the resources of Austin Hall. It will be remembered, also, that a complete change has been wrought by the new rules, in combination with others previously adopted, in the character and standing of special students in the School. The following classes of men only are now eligible to admission as special students: —

(1) Men who hold an academic degree from colleges other than those whose degrees admit to regular standing without examination.

(2) Graduates of any law school which requires a two years' course, and gives its degrees upon examination.

(3) Men who pass the admission examinations now provided.

Those who avail themselves of these provisions for admittance must, in order to remain in the School, pass the same examinations required of regular students. They are given a degree at the end of their course on the same terms as regular students, provided that they have been three full years in residence, and have either made up the deficiency in their entrance requirements, or taken high rank in the School.

The figures now available indicate that the effect of these rigid regulations respecting special students has been precisely what was expected. Perhaps it is safe to say that the total falling off in the numbers of the School will correspond very nearly with the decrease in this class of men. Last year seventy-one special students registered; at the pres-

ent writing only twenty-one are on the books of the School. Other figures for last year are: third-year students, sixty-nine; second-year students, one hundred and nineteen; first-year students, one hundred and thirty-five. The present first-year class will probably be of about the same size as the classes which entered last year and the year before. The second-year class promises to be larger than it has ever been. It was hoped that the same might be said of the third-year class; but present figures point, on the contrary, to a slight decrease in numbers. A careful tabulation of more complete statistics may suggest a reason for this falling off; at present it is certainly to be regarded as unfortunate.

THE diminution in the class of special students is at best, however, only a temporary solution of the problem presented by the constant tendency of numbers to press upon the resources of Austin Hall and of the present teaching force. Free and ample discussion in the class-room, such as is involved in the steady policy of the School, becomes difficult, and even almost impossible, after the classes attain a certain size. It is not possible to state precisely the numerical limit beyond which discussion becomes unprofitable to the class as a whole, but it is certain that entering classes are approaching that limit. Last year the experiment was tried in most of the first-year courses of dividing the class into two sections, conducted (except in the case of Torts) by different instructors. This plan presented at the outset several obvious difficulties, which were fully realized as the year went on. The Faculty have therefore deemed it wise to return to the older system of keeping the class together until it becomes, as it seems likely to become, plainly detrimental to discussion. Except in Contracts, the class entering this month will attend lectures in a body.

NOT the least benefit derived from this return to the older practice of the School is the saving in instructors' time. The Faculty are enabled to arrange for three new half courses, all of them valuable, perhaps even essential, to a curriculum such as the Law School means to offer. Professor Wambaugh, who had a large experience in the teaching and practice of Insurance Law before coming to Cambridge, will devote an hour a week to that topic. Professor Beale will lecture once a week throughout the year on the Law of Damages, and twice a week during the second half year on the Conflict of Laws. Professor Beale's lectures on Damages last year and the year before were found exceedingly useful by the large number of men who attended them, and their repetition, with amplifications and the study of cases, cannot fail to be of great advantage to the School. No such course has been given before at Harvard, though several series of lectures on the general subject have been delivered from time to time, as opportunity offered. It is believed that this is the first attempt in America to treat the Law of Damages thoroughly and scientifically. The questions connected with the Conflict of Laws, which are coming to play a constantly larger and more important part in the practice of the American lawyer, have also received from the law schools of the country far less attention than they deserve. The last lectures given here upon this subject were delivered by Mr. Keener five or six years ago. The course now proposed covers more ground than Mr. Keener's, and promises to be of the greatest value. It is interesting to note that the Law School Association more than a year ago urged upon the School the necessity

of some such action as has now been taken in providing for a careful treatment of this subject.

PROFESSOR THAYER has prepared an excellently arranged index to his Cases on the Law of Evidence, of which owners of the first edition of the Cases may obtain copies gratis by applying to the publisher, Charles W. Sever, Cambridge, Mass., through the dealer of whom they obtained the book. In view of the suddenness with which questions in the law of evidence present themselves in court, it is believed that the index will be of peculiar value to the practitioner.

PUBLICATION OF TESTIMONY RESTRAINED BY ORDER OF COURT. — Considerable interest has been awakened by the recent order of a trial judge in Massachusetts that no report of the evidence in a breach of promise case before him should be published until after the termination of the trial. It was at once assumed that the matter was unfit for publication; but nothing of that sort was disclosed on the trial. It appeared that the order was made at the request of the defendant. The right of the court to make such an order is undoubted. Even without this, any publication tending to create a prejudice may be punished as a contempt. In 24 West Virginia, 416, the court, after a lengthy discussion, affirmed its right to punish for contempt the author of a publication imputing corrupt motives to the court. The same thing was held early in the century in the famous cases against Duane, Wall. C. C. 77. In Mississippi, however, the Supreme Court has denied, on common law principles, the right to punish for contempt anything done outside the court-room. It is believed that that State stands alone in this regard. This power has been exercised more frequently in England than in this country; perhaps never here has just such an order been made. In *King* v. *Clement*, 4 Barn. & Ald. 218, Clement was punished by fine for disobeying an order precisely like the one under discussion. Section 725 of the Federal statutes limits the right of the Federal courts to punish contempts to "the misbehaviors of any person in their presence." Under this statute a publication outside could not be treated as a contempt. It seems, however, that this cannot control the Supreme Court, for a part of its original jurisdiction conferred by the Constitution must include the right inherent in every court to punish contempts. New York and Pennsylvania have similar statutes. It is supposed that at common law a court could try a case in secret. If this be true, it could admit reporters on terms.

But the rights of the court must be limited to such measures as are required by the due administration of justice in the particular case. The courts are not charged with the duty of preserving public morals. It is hard to see how the publication of matter could be forbidden simply on the ground that it is corrupting. And a court cannot forbid the publication of evidence after the termination of the suit. It has been so held in California. Conceding, then, that the right of a court is thus bounded, the party aggrieved may not always have a satisfactory remedy. Commitment for contempt is a summary proceeding, and the best authorities hold that it is not reviewable by any other court. On a writ of *habeas corpus* the only question is as to the jurisdiction of the court issuing the process. If the court had jurisdiction, its order is final. And since it must decide what a contempt is, it would usually have jurisdiction if the